

CFR 1.131 further states that “(b) The showing of facts shall be such, in character and weight, as to establish... conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained.”

The effective date of Allison et al. is September 25, 2002. As shown in the attached “Declaration of Laurent Vesier” and discussed during the noted Examiner interview, Applicants conception date is as early as September 18, 2002¹ with a constructive reduction to practice date of September 26, 2003. During the interview, the Examiner agreed that diligence from at least October 9, 2002², which was the date of the submission of the invention disclosure to the law department, to the filing date of the instant application (September 26, 2003) was shown.

However, the Examiner requested further evidence showing diligence between September 25, 2002 to October 9, 2002 (8 working days). Accordingly, in Appendix B of the Declaration, a memo (“Adhesive Improvement Project”) prepared on October 8, 2002 is provided, including the email attaching the memo, summarizing the diligent efforts of the inventors to reduce the invention to practice during at least that time. For example, on page 8 of the memo, a chart illustrating shear strength tests between polishing pads having hot melt adhesives and conventional pressure sensitive adhesives is shown.

Also, in Appendices C1-C4 of the Declaration, various emails from the inventors, diligently discussing the subject invention with various parties during that time are provided:

C1. Message from inventor to P. Freeman dated September 26, 2002 attaching an outline for the hot melt adhesives project.

¹ See Appendix A1 and A2 of the Declaration, showing a calendar entry for a meeting with Black Brothers on September 18, 2002 to discuss “hot melt adhesives to laminate top pads and subpads together” and notes from the September 18th meeting, respectively.

² See Appendix D, showing a printout of an email from the inventor to the law department of the assignee, attaching the invention disclosure (“Hot Melt Adhesive NOI”) of the present application.

C2. Message from inventor to co-inventor, John Roberts, dated September 26, 2002 regarding use of a particular reactive hot melt vendor.

C3. Message from inventor to other Rohm and Haas Electronic Materials CMP Inc. employees dated October 2, 2002 regarding a test procedure for shear strength testing of hot melt adhesives.

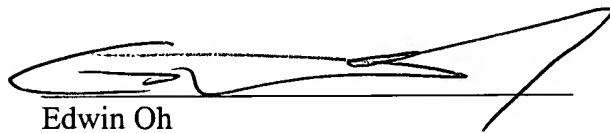
C4. Message from inventor to Rohm and Haas Company scientists dated October 3, 2002 regarding selection of hot melt adhesives.

Accordingly, the present invention has a priority date at least as early as September 18, 2002, prior to the effective date of Allison et al. (September 25, 2002) coupled with due diligence up until the filing date of the application. Hence, the present invention has a priority date prior to that of the effective date of Allison. In other words, Allison is not prior art as against the present invention and Applicants submit that the rejection is now overcome and respectfully request withdrawal of the same.

In view of the foregoing, all of the presently pending claims are now in immediate condition for allowance and Applicants respectfully request the Examiner for withdrawal of all of the outstanding rejections and to pass this application to issue.

Respectfully submitted,

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Date



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